

**REMARKS**

This Amendment is filed in response to the Final Office Action mailed on April 18, 2007, and is herewith filed a Request for Continuing Examination. All objections and rejections are respectfully traversed.

Claims 1-30, 33-44, 46-48 are currently pending.

Claims 47-48 are added.

**Request for Interview**

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-3067.

**Claim Rejections 35 USC § 101**

At paragraph 7 of the Office Action, claims 1-23 and 34-36 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Applicant respectfully urges that representative claim 1 meets the requirement of §101 because a useful, concrete and tangible result is produced. In representative claim 1, the first content is stored in a cache or memory, which is a useful, tangible, and concrete result because the bits of memory are changed for the content to be stored and is available to be accessed at a later time. Additionally, the second content is stored to memory if the first and second content signatures are not the same. By storing to memory, a useful, concrete, and tangible result is produced because the data is either stored to memory within the computer or on a storage device attached to the computer.

Accordingly, claims 1-23 and 34-36 are allowable over §101 because a useful, concrete and tangible result is produced.

**Claim Rejections 35 USC § 102**

At paragraphs 8-9 of the Office Action, claims 1-26, and 30-33 were rejected under 35 U.S.C. §102(e) as being anticipated by Dimitrova et al., U.S. Patent No. 5,870,754 issued on Feb. 9, 1999, hereinafter Dimitrova.

The present invention, as set forth in representative claim 1, comprises in part:

- I. Method for comparing a first content with a second content to determine whether the contents are identical, comprising:
  - storing the first content in a cache;
  - identifying a protocol encoding the first content and second content;
    - computing a first signature of the first content and a second signature of the second content, wherein the first signature has one or more unique protocol markers that are generated from transformation during encoding and the second signature has one or more unique protocol markers that are generated from transformation during encoding;*
    - comparing the one or more unique protocol markers of the first computed signature with the one or more unique protocol markers the second signature to determine whether the first content is identical to the second content;* and
    - storing in the cache the second content, in response to determining the first content is not identical to the second content.

By way of background, Dimitrova discloses storing signatures from MPEG and motion JPEG encoded video clips in a database. The signatures are stored in the database along with corresponding location, size and time length information. A hamming distance is calculated for each signature. The hamming distance is a measure from the signature of a query video clip to the signature of each corresponding frame in the database video clip. (Col. 7, lines 24-27). The similarity between the query video clip signature and the database video clip signature is determined as the number of bits in the

signature minus the Hamming distance measure between the foregoing video clip signatures. (Col. 8, lines 10-15). If the distance between the two video clips is low then the similarity between the two video clips is high. (Col. 8, lines 15-17).

Applicant respectfully urges that Dimitrova does not teach nor suggest Applicant's novel *computing a first signature of the first content and a second signature of the second content, wherein the first signature has one or more unique protocol markers that are generated from transformation during encoding and the second signature has one or more unique protocol markers that are generated from transformation during encoding, comparing the one or more unique protocol markers of the first computed signature with the one or more unique protocol markers the second signature to determine whether the first content is identical to the second content*. In further detail, in Applicant's claimed invention, Applicant compares the markers in the previously generated signatures. Applicant's invention uses the markers generated during processing of the data as a signature. The signatures of each content are compared to determine if the protocol markers in each signature are identical. Applicant's invention allows the markers to be transferred for comparison instead of all the data for bit comparison or distance comparison as in Dimitrova. Dimitrova discloses only finding similar video clips from the signature stored in the database. Dimitrova requires comparing the distances of each video clip to the queried video clip to find the most similar. Dimitrova requires an extra computation using all the data to determine the most similar video clip. Dimitrova is not comparing the protocol but a calculated distance between frames to find the best match. Applicant's invention claims *comparing the one or more unique protocol markers of the first computed signature with the one or more unique protocol markers the second signature to determine whether the first content is identical to the second content*.

Accordingly, Applicant respectfully urges that the Dimitrova patent is legally precluded from anticipating the claimed invention under 35 U.S.C. § 102 because of the absence from the Dimitrova patent of Applicant's novel *computing a first signature of the first content and a second signature of the second content, wherein the first signature has one or more unique protocol markers that are generated from transformation during encoding and the second signature has one or more unique protocol markers that are generated from transformation during encoding, comparing the one or more unique protocol markers of the first computed signature with the one or more unique protocol markers the second signature to determine whether the first content is identical to the second content.*

**Claim Rejections 35 USC § 103**

At paragraphs 9-10 of the Office Action, claims 27-29, were rejected under 35 U.S.C. §103 as being unpatentable in view of Dimitrova, over Viswanath, US Patent No, 6,674,769, hereinafter Viswanath.

Applicant respectfully notes that claims 27-29 are dependent claims that are dependent from independent claims believed to be in condition for allowance. Accordingly, claims 27-29 are believed to be in condition for allowance.

At paragraph 11 of the Office Action, claims 34-35 were rejected under 35 U.S.C. §103 as being unpatentable in view of Dimitrova, over Viswanath.

The present invention, as set forth in representative claim 34, comprises in part:

34. A network caching device adapted to utilize a signature associated with a protocol for caching decisions, the network caching device comprising:

means for determining a protocol of new a content;  
*means for computing a signature of the new content, wherein the signature of the new content is a set of protocol markers that are generated from transformation during encoding;* and  
*means for comparing the computed signature of the new content with signatures of other contents;*  
means for determining the signature of the new content is not identical to signatures of other contents; and  
*means for storing the new content to a cache, in response to determining the signature of the new content is not identical to signatures of other contents.*

Viswanath discloses a network switch configured to perform layer 2 and layer 3 switching in an Ethernet network. A policy cache is configured within the switch to store packet signatures and respective policy identifiers for prior data packets having been classified earlier with respect to corresponding policy identifier.

Applicant respectfully urges that Dimitrova and Viswanath taken alone or in combination do not teach or disclose Applicant's claimed novel *means for computing a signature of the new content, wherein the signature of the new content is a set of protocol markers that are generated from transformation during encoding, means for comparing the computed signature of the new content with signatures of other contents, and means for storing the new content to a cache, in response to determining the signature of the new content is not identical to signatures of other contents.* In further detail, in Applicant's claimed invention the signatures are compared to determine if the contents are the same. In contrast, Dimitrova uses a distance measurement, and not the signature, to determine the most similar. Additionally, Viswanath is silent about comparing the computed signatures.

Accordingly, Applicant respectfully urges that Dimitrova and Viswanath, taken alone or in combination, are legally insufficient to make obvious the presently claimed invention under 35 U.S.C. § 103 because of the absence of the Applicant's claimed novel

*means for comparing the computed signature of the new content with a signature of other content.*

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims.

Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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